

FILED

DEC 23 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE SOCIETY OF LLOYD'S

CLERK, U.S. DISTRICT COURT

v.

C.A. NO.

JEFFREY POMERANTZ

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NOTICE OF FILING OF FOREIGN COUNTRY JUDGMENT

TO: Jeffrey Pomerantz, 3601 Turtle Creek Blvd., Apt. 306, Dallas, Texas 75219.

The Society of Lloyd's ("Lloyd's") hereby files and seeks to enforce its judgment against Jeffrey Pomerantz, pursuant to the Texas version of the Uniform Foreign Country Money-Judgment Recognition Act. *See* Texas Civil Practice & Remedies Code § 36.001 to § 36.008.

Parties

1. Lloyd's is a Society and Corporation incorporated under the laws of the United Kingdom with its principal place of business in London, England.
2. Jeffrey Pomerantz ("Pomerantz") is a member of Lloyd's who resides in Dallas, Texas. Pomerantz executed a General Undertaking that governed his rights and responsibilities as a member of Lloyd's. Pomerantz can be served at 3601 Turtle Creek Blvd., Apt. 306, Dallas, Texas 75219.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because this matter concerns the enforcement of a judgment in favor of a citizen of a foreign state against a citizen of Texas, and the judgment exceeds \$75,000.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the judgment debtor resides in this District, and because persons and assets for partially satisfying the judgment in issue are located within this District.

The English Judgment

5. Pomerantz agreed, pursuant to his General Undertaking, that the Courts of England would have exclusive jurisdiction over matters concerning his membership in and underwriting at Lloyd's.

6. Lloyd's filed a claim against Pomerantz in the High Court of Justice, Queen's Bench Division in London, England, which is a tribunal that affords defendants in a civil case due process opportunities similar to those available to civil defendants in courts of the United States. Lloyd's subsequently obtained a judgment against Pomerantz. An authenticated copy of the judgment against Pomerantz, which the High Court of Justice, Queen's Bench Division, issued is attached as Exhibit A.

7. Post-judgment interest has accrued from the date of the judgment to the date of this filing, and will continue to accrue until the judgment is satisfied. The judgment was issued on February 14, 2003 in the total amount of £59,132.67.

8. Pomerantz has exhausted his opportunity to pursue an appeal in English courts. Lloyd's judgment is final, conclusive and fully enforceable against him in England.

9. Texas law grants citizens of foreign states the opportunity to enforce in Texas foreign money judgments that the courts of foreign states issue. *See Tex. Civ. Prac. & Rem. Code § 36.001-36.008.* English Judgments in similar matters brought by Lloyd's against Names have been recognized and upheld by the U.S. Court of Appeals for the Fifth Circuit in *Lloyd's v. Turner*, 303 F.3d 325 (5th Cir. 2002).

Notification

10. Pomerantz is hereby notified that the judgment creditor, The Society of Lloyd's, has filed an authenticated copy of a judgment with the above-described court. This filing is made under the provisions of the Texas version of the Uniform Foreign Country Money-Judgment Recognition Act. *See* Texas Civil Practice & Remedies Code § 36.001 to § 36.008. To contest recognition of the judgment, Pomerantz must, not later than the 30th day after the date of service of this Notice of Filing, file with the Court, and serve the opposing party, with a copy of a motion for nonrecognition of the judgment on the basis of one or more grounds under Section 36.005 of the Texas Civil Practice & Remedies Code.

Conversion to United States Dollars

11. The English Judgment was rendered on February 14, 2003. As of that date, the conversion rate from English pounds to United States dollars was \$1.6105. The £59,132.67 set forth in the English Judgment is therefore equal to \$95,234.17 as of the date the judgment was rendered. Lloyd's is entitled to this amount. In accordance with English law, Lloyd's is also entitled to post judgment interest of 8 percent from the date the judgment was rendered until the date judgment is satisfied.

Conclusion

WHEREFORE, this Court should grant full faith and credit under the United States Constitution for the purposes of enforcing in Texas the judgment listed above. The Court should also award post-judgment interest accruing from the date of judgment until the judgment is satisfied.

Respectfully submitted,

Bracewell & Patterson, L.L.P.

By:



Andrew M. Edison

State Bar No. 00790629

South Tower Pennzoil Place
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781
Telephone: (713) 221-1371
Facsimile: (713) 221-2144

ATTORNEYS FOR THE SOCIETY OF
LLOYD'S

AFFIDAVIT

STATE OF TEXAS §
§
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this date personally appeared Andrew M. Edison, who, after being placed by me upon his oath stated as follows:

1. My name is Andrew M. Edison. I am over twenty-one (21) years of age, and am fully competent to make this affidavit. I have personal knowledge of the facts set forth in this affidavit, and those facts are true and correct. I am counsel for the Society of Lloyd's in this action.
2. The name and address of the judgment creditor is:

The Society of Lloyd's
One Lime Street
London, England EC3M 7HA

3. The name and address of the judgment creditor's attorneys in Texas are:

Mr. Andrew M. Edison
Bracewell & Patterson, L.L.P.
711 Louisiana, Suite 2900
Houston, Texas 77002-2781

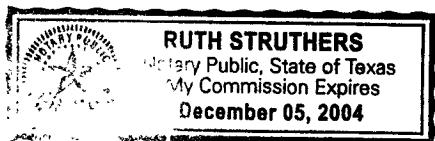
4. The name and last known post office address of the judgment debtor is:

Jeffrey Pomerantz
3601 Turtle Creek Blvd., Apt. 306
Dallas, Texas 75219



Andrew M. Edison

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on this 22nd day of December, 2003.



Paul Struthers
Notary Public in and for the State of Texas

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been mailed by certified mail, return receipt requested on December 22, 2003 to the judgment debtor at the following address:

Jeffrey Pomerantz
3601 Turtle Creek Blvd., Apt. 306
Dallas, Texas 75219



Andrew M. Edison

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HOUSTON\1568823.1